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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,412	03/01/2002	Daniel Joseph Dove	100111298.1 (1964-11-3)	6219

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/087,412

**Applicant(s)**

DOVE ET AL.

**Examiner**

Davetta W. Goins

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olah et al. (US Pat. 6,446,119 B1) in view of O'Callaghan et al. (US Pat. 6,256,318 B1).

In reference to claims 1, 4, Olah discloses the claimed controller operable to receive an activity level of from a processor to generate a signal that is related to the activity level, and an indicator device coupled to the controller and operable to indicate the activity level in response to the signal, which is met by a network server in communication with a plurality of computers 2, 4, 5 to monitor each of the computer's activity; an activity light is used as well as a display on the server or a remote computer that's capable of monitoring the activity of computers 2, 4, 5 (col. 5, lines 46-67; col. 6, lines 1-16). Although Olah does not specifically disclose the claimed controller operable to receive an activity level of a "port", he does disclose a server or appropriate computer connected to employee computers 2, 4, 5, and 15 via network connection 1 (col. 5, lines 21-45; Figure 1); the server or appropriate computer monitoring the employee computers has a display for displaying each of the computer's user activity (col. 5, lines 61-67; col. 6, lines 1-16). O'Callaghan discloses a network Hub activity display in which a communications hub 10 is provided with a plurality of communication ports 11 to connect the

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hub 10 to a plurality of network devices. The ports 11 are used to transmit and receive communications from the network devices. The communications hub 10 is provided with a visual indication device 20 (LED, sometimes a plurality of visual indication devices 20) as an indication to allow the user at the communications hub to view the activity and collision status (col. 3, lines 35-67; col. 4, lines 1-24). Since both Olah and O'Callaghan are concerned with monitoring the activity level of various users within a network and providing an indication of the activity, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of "ports", as disclosed by O'Callaghan, with the system of Olah, since it is well known in the art to ports are used for connecting the communication devices within a network and ensure that each connected computer that's to be monitored can be specifically identified.

In reference to claim 2, Olah discloses the claimed finite number of activity levels, which is met by the total number of computers in the network in no way limit the merits of the invention presented (col. 5, lines 20-33).

In reference to claim 3, although Olah does not specifically disclose the claimed indicator device indicates activity by flashing, he does disclose an activity light (col. 8, lines 5-8). O'Callaghan discloses a network hub activity display in which an LED or plurality of LEDs 20 used to indicate activity and collision status on the network (col. 3, lines 35-58). Since Olah and O'Callaghan disclose light indicators to give a user notification of the activity of various computers in a network, it would have been obvious to one of ordinary skill in the art at the time

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of the invention to incorporate the teaching of using LEDs, as disclosed by O'Callaghan, with the system of Olah, as well as provide flashing of the LEDs, that's a well known cost effective design, to ensure that the user is immediately aware of the activity level of the port.

3. Claims 5-13, 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olah in view of O'Callaghan and in view of Liu et al. (US Pat. 5,936,442).

In reference to claims 5, 8-10, 13, 15-24, Olah discloses a) the claimed controller operable to receive an activity level from a processor associated with the port and to generate a signal that is related to the activity level, and claimed indicator device, which is met by a network server in communication with a plurality of computers 2, 4, 5 to monitor each of the computer's activity; an activity light is used as well as a display on the server or a remote computer that's capable of monitoring the activity of computers 2, 4, 5 (col. 5, lines 46-67; col. 6, lines 1-16; col. 9, lines 21-34). Although Olah does not specifically disclose the claimed controller operable to receive an activity level of a "port", he does disclose a server or appropriate computer connected to employee computers 2, 4, 5, and 15 via network connection 1 (col. 5, lines 21-45; Figure 1); the server or appropriate computer monitoring the employee computers has a display for displaying each of the computer's user activity (col. 5, lines 61-67; col. 6, lines 1-16). O'Callaghan discloses a network Hub activity display in which a communications hub 10 is provided with a plurality of communication ports 11 to connect the hub 10 to a plurality of network devices. The ports 11 are used to transmit and receive communications from the network devices. The communications hub 10 is provided with a visual indication device 20 (LED, sometimes a

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plurality of visual indication devices 20) as an indication to allow the user at the communications hub to view the activity and collision status (col. 3, lines 35-67; col. 4, lines 1-24). Olah does not specifically disclose the claimed signal comprising a series of separated pulses being a non-linear function of the activity level. Liu discloses a circuit for data communication devices, the system comprising a communication device with a plurality of ports 40, a signal detection circuit 22 detects the activity of each port and generates a pulse and provides the pulse to the corresponding latch circuit to assert an output signal (col. 5, lines 9-38). Since Olah and O'Callaghan disclose a systems capable of giving an indication of the activity level of various computers, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of "ports", as disclosed by O'Callaghan, as well as the teaching of providing a series of separated pulses being a non-linear function of the activity level, as disclosed by Liu, with the system of Olah, to give an accurate response through the LEDs as to the operation of the activity level of each port.

In reference to claims 6, 11, Olah discloses the claimed finite number of activity levels, which is met by the total number of computers in the network in no way limit the merits of the invention presented (col. 5, lines 20-33).

In reference to claims 7, 12, although Olah does not specifically disclose the claimed indicator device indicates activity by flashing, he does disclose an activity light (col. 8, lines 5-8).

O'Callaghan discloses a network hub activity display in which an LED or plurality of LEDs 20 used to indicate activity and collision status on the network (col. 3, lines 35-58). Since Olah and

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O'Callaghan disclose light indicators to give a user notification of the activity of various computers in a network, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using LEDs, as disclosed by O'Callaghan, with the system of Olah, as well as provide flashing of the LEDs, that's a well known cost effective design, to ensure that the user is immediately aware of the activity level of the port.

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761.

The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.

A handwritten signature in cursive script, appearing to read "Davetta W. Goins".

D.W.G.

March 8, 2004

Davetta W. Goins  
Primary Examiner  
Art Unit 2632